

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

John Dewberry,
Plaintiff,

v.

City of Locust Grove, Officer J.
Whitt, and Sgt. E Honea,
Defendants.

Case No.

PETITION FOR REMOVAL

TO: The Judges of the United States District Court, Northern District of Georgia
The Petition of Defendants City of Locust Grove, Officer J. Whitt, and Sgt.
E. Honea respectfully shows the Court as follows:

1.

A civil action has been brought against the above-named Defendants in the
Superior Court of Henry County, Georgia, being Civil Action No.
SUCV2024001569, wherein the Plaintiff seeks recovery against Defendants under
42 U.S.C. § 1983.¹

¹ The Plaintiff has brought Count V under what he erroneously labeled 28 U.S.C. § 1983 (Complaint at ¶ 50-54). While there is no such federal code section, the Plaintiff intends to bring the counts under 42 U.S.C. § 1983, which does exist and fits what the Plaintiff is attempting to say happened to him. The wrongful arrest claim sounds in 42 U.S.C. § 1983 and is clearly intended as such. Count V of the Complaint raises a federal question.

2.

This action raises a federal question as defined by 28 U.S.C. § 1331.

Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441, et seq.

3.

The same counsel represents all three defendants. All defendants consent to removal of the case to federal court.

4.

All parties are citizens of the State of Georgia. And the action was brought in the Superior Court of Henry County, which is in the Northern District of Georgia. Defendants attach copies of the following documents that were filed in the Superior Court of Henry County:

Exhibit A Complaint.

Exhibit B Summons for the City of Locust Grove.

Exhibit C Summons for Officer J. Whitt.

Exhibit D Summons for Sgt. E. Honea.

Exhibit E Case Initiation Form.

Exhibit F Sheriff's Entry of Service for City of Locust Grove.

Exhibit G Sheriff's Entry of Service for Sgt. E. Honea.

Exhibit H Sheriff's Entry of Service for Officer J. Whitt.

Exhibit I Answer.

Exhibit J Acknowledgement of Service for the City of Locust Grove.

Exhibit K Acknowledgement of Service for Sgt. E. Honea.

Exhibit L Acknowledgement of Service for Officer J. Whitt.

5.

Now within thirty (30) days after receipt of Plaintiff's Complaint, Defendants City of Locust Grove, Officer J. Whitt, and Sgt. E. Honea hereby remove the within action to the U.S. District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. § 1446.

6.

Defendants will file a Notice of Removal in the Superior Court of Henry County, Georgia, advising that the within action has been removed to the U.S. District Court for the Northern District of Georgia.

WHEREFORE, Defendants hereby file the within Petition for Removal to this Honorable Court.

Respectfully Submitted,

/s/ J. Scott Key

J. Scott Key

Attorney for Defendants

Ga. Bar No. 416839

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CERTIFICATE OF SERVICE

I certify that I have served an accurate and true copy of the following, by e-mailing a copy of the same to opposing counsel and through the CM/ECF system:

Matthew W. Carlton
CARLTON LAW, LLC
125 Clairemont Ave., Suite 470
Decatur, GA 30030
(404) 458-4084
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This 26th day of June 2024.

/s/ J. Scott Key
J. Scott Key
Attorney for Defendants
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